

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:)	
)	
)	
Telephone Number Requirements for IP-Enabled Services Providers)	WC Docket No. 07-243
)	
Local Number Portability Porting Interval and Validation Requirements)	WC Docket No. 07-244
)	

COMMENTS OF SOCKET TELECOM, LLC

Socket Telecom, LLC ("Socket") hereby submits these comments regarding the port validation and process and porting intervals for complex ports in response to the Notice of Proposed Rulemaking in the above-captioned docket.¹ Socket is a small competitive local exchange carrier operating in Missouri.² Socket provides local exchange services to business customers primarily in the suburban and rural areas of the state. In serving these markets, Socket's objective is to provide high-quality, enterprise level services to small and medium sized businesses in smaller markets; services that typically are not available from other providers. Socket also provides specialized

¹ Telephone Number Requirements for IP-Enabled Services Providers and Local Number Portability Porting Interval and Validation Requirements, *Notice of Proposed Rulemaking*, WC Docket Nos. 07-243 & 07-244; DA 08-290, ¶ 66 (rel. Nov. 8, 2007) ("*LNP Order and NPRM*") (requesting comment on "concerns regarding the LNP process more generally, including the port validation and process and porting intervals for complex ports"). Over 85% of Socket's ports meet the definition of "complex ports."

² Socket offers local exchange service in the territories of, and is interconnected with, three incumbent local exchange companies: AT&T Missouri, Embarq Missouri and the CenturyTel entities of CenturyTel of Missouri, LLC and Spectra Communications Group, LLC d/b/a CenturyTel. Socket regularly ports numbers from these incumbents and various competitive local exchange and wireless carriers serving Missouri.

telecommunications services to Internet Service Providers (“ISP”) as well as its own residential and business “naked-DSL” service.

As a new entrant into the local exchange market, efficient local number portability is crucial to Socket, which can win and serve many new customers only if they can port their numbers easily to Socket. This is particularly true for business customers who must ensure that their own customers can contact them using familiar or published telephone numbers before, during and after a carrier change. As such, Socket, like other new entrants and competitive carriers, cannot convince customers to change service providers unless it can port numbers in without delay, loss of dial tone or inconvenience, which porting-out carriers have the incentive and ability to cause.

Socket supports the Commission’s efforts to streamline the porting process, and urges the Commission further to clarify its ruling that “no entities obligated to provide LNP may obstruct or delay the porting process by demanding from the porting-in entity information in excess of the minimum information needed to validate the customer’s request.”³ Specifically, Socket respectfully urges the Commission to clarify with respect to complex ports that carriers cannot:

- Request information that is not absolutely necessary to validate and process the complex port request;
- Reject complex port requests for spelling errors or differences in format;
- Fail to explain fully why a complex port request was rejected and list all of the reasons for a reject that the porting out provider knows, or should know; or
- Impose *ad hoc* certification or validation requirements for any port requests, whether complex or simple.

The clarifications would help ensure that customers requesting complex ports receive the full benefits of portability.

³ *LNP Order and NPRM*, ¶ 2.

I. THE COMMISSION SHOULD TAKE FURTHER ACTION TO ENSURE THAT CARRIERS DO NOT OBSTRUCT OR DELAY COMPLEX PORTS

The Commission has unambiguously clarified that “no entities obligated to provide LNP may obstruct or delay the porting process by demanding from the porting-in entity information in excess of the minimum information needed to validate the customer’s request.”⁴ The Commission has further clarified that “for all ports – whether intermodal, wireline-to-wireline, or wireless-to-wireless ports – the porting-out provider may not require more information than is actually reasonable to validate the port request and accomplish the port.”⁵ These clarifications unambiguously apply to all types of ports, whether simple or complex, and between all types of carriers, whether wireline or wireless. Nonetheless, pointing to the additional requirements the Commission adopted for simple ports, some carriers have taken the position that these clarifications only apply to simple ports. To remove all doubt, Socket urges the Commission to reaffirm that these clarifications apply both to complex and simple ports.

Unfortunately, due to the incentives and ability of porting-out providers to interfere with the porting process, the Commission needs to take additional steps in order to ensure that customers requesting complex ports receive the full benefits of portability. Specifically, as explained in more detail below, the Commission should clarify:

- the types of information necessary to validate a port request;
- that porting-out providers cannot request information regarding unrelated services; and

⁴ *LNP Order and NPRM*, ¶ 2; *see also id.*, ¶16.

⁵ *Id.*, ¶ 43; *see also id.* (“We find that limiting carriers to requiring a minimum but reasonable amount of information to validate a customer request and perform a port will ensure that customers can port their numbers without impairment of the convenience of switching providers due to delays in the process that can result when additional information is required.”).

- that porting out providers cannot impose *ad hoc* certification or validation requirements for any port requests, whether complex or simple.

The importance of these clarifications cannot be overemphasized. Despite the Commission's actions in recent years to improve the efficiency of portability, some carriers continue to interfere with the porting process to gain competitive advantage, which they can do because it seldom is economically feasible to file a complaint with the Commission to challenge their actions. However, the Commission could eliminate many disputes between providers regarding complex ports by adopting the clarifications Socket proposes below.

The parallels between the Commission's recent clarifications regarding its carrier change verification rules and the clarifications regarding portability that Socket requests here are striking. With respect to its carrier change verification rules, the Commission recently affirmed that "it is not permissible for an executing carrier to block a carrier change submission by a submitting carrier, based on the executing carrier's own finding that the customer's information does not match exactly the information in the executing carrier's records."⁶ The Commission acted out of concern that "executing carriers could use the verification process as a means to delay or deny carrier change requests in order to benefit themselves or their affiliates."⁷ The same concerns apply to portability. Specifically, old network service providers ("ONSPs"), like executing carriers, can use the port verification process as a means to delay or deny carrier changes in order to

⁶ *Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules concerning Unauthorized Changes of Consumers' Long Distance Carriers; LEC Coalition Request for Declaratory ruling Regarding Carrier Change Verification*, FCC 07-222, CC Docket No. 94-129 (rel. Jan. 4, 2008) ("PIC Order").

⁷ *Id.*, ¶6; see also *id.*, ¶11 ("Endorsement of the LEC Petitioners' policies would result in inconvenience and delays for customers.").

benefit themselves or their affiliates. Accordingly, the Commission should clarify that it is not permissible for an ONSP to block a complex port based upon the ONSP's finding that the customer's information does not match exactly the information in the ONSP's records, or to require the new network service provider ("NNSP") to provide information that is unnecessary to validate the port.

A. The Commission Should Clarify the Goal of Port Validation and the Types of Information That May Be Necessary to Validate Ports.

The Commission has clarified that entities cannot require a porting-in entity to provide "information in excess of the minimum information needed to validate the customer's request,"⁸ but the agency has never clarified what carriers can and cannot do to validate a port request, or what types of information may be necessary for validation purposes. As such, the information that ONSPs require NNSPs to submit with complex port requests remains diverse, despite the fact that the methods for validating complex port requests should not, or at least need not, vary greatly among service providers. For example, Socket, which operates only in Missouri, interfaces with three different incumbent local exchange carriers, other CLECs and wireless carriers, and each of the carriers with which Socket interfaces requires Socket to submit different information with port requests. This myriad of port request requirements unnecessarily increases Socket's operating costs and creates inefficiencies, because Socket's technicians must know and meet diverse carrier-specific porting validation requirements in order to port numbers.

Socket does not believe that rules are necessary, at this time, to define the information that ONSPs can require NNSPs to provide with a complex port request.

⁸ *LNP Order and NPRM*, ¶ 2; see also *id.*, ¶16.

However, the Commission can, and should, define the goal for port validation, and provide guidance with respect to the types of information that ONSPs may need in order to validate a port request, as well as the types of information that are never necessary to validate port requests. These clarifications would lead to further standardization of the port request process, which would reduce the transaction costs associated with porting a number and reduce the opportunities for ONSPs to interfere with the porting process for their own gain.

It is particularly important that the Commission prohibit ONSPs from requiring NNSPs to provide customer address information in order to validate complex ports. Indeed, wireless carriers first eliminated address information from the permissible port validation fields, which the Commission subsequently imposed for all simple ports, because errors in customer address information led to the majority of port request rejects. In Socket's experience, errors in customer address information lead to the majority of complex port request rejects. Customer address information is not necessary to validate port requests, and most complex ports are rejected for such trivial errors as:

- Using an abbreviation instead of spelling out the entire word (*e.g.*, submitting "St." when the ONSP's records list "Street" or submitting "801 Cherry Street" when the ONSP's records list "8th and Cherry") or vice versa,
- Omitting or including the customer's suite number, or
- Omitting or including directional indicators of a street address.

The address given by the customer, even when taken directly from the customer's retail bill, frequently does not match the address required by the ONSP for validating a port request.

Real-time access to the necessary address information frequently is not readily available to NNSPs. When customer address information is not readily available in the ONSP's pre-ordering systems, the NNSP typically must obtain a Customer Service Record ("CSR") to obtain the required address information. However, the CSR option, particularly when processed manually (and for a fee), is not always practical. For example, one ILEC with which Socket interconnects and exchanges port requests processes CSR requests manual, which results in a standard CSR fulfillment interval of six (6) business hours, which is significant. The harm that results from this delay is compounded when the CSR is incomplete, or even erroneous, as is frequently the case with complex ports that involve multiple services or multiple service locations.

These delays are simply too long, particularly because the information causing the delay is not necessary to validate the port request or complete the port. Therefore, Socket urges the Commission to define the goal for port validation, and provide guidance with respect to the types of information that ONSPs may need in order to validate port requests, as well as the types of information that are never necessary to validate port requests, including customer address information.

B. The Commission Should Clarify That Porting Out Providers Cannot Impose *Ad Hoc* Certification or Validation Requirements for any Port Requests, Whether Complex or Simple.

Some of the carriers with which Socket interacts have imposed their own *ad hoc* certification requirements for validating or processing port requests. Not only is this practice unnecessary, illegal and disruptive, but carriers often impose *ad hoc* certification requirements with little to no advanced warning.

For example, one carrier has imposed its own “geographic certification requirement” with which Socket must comply before the carrier will process a port request submitted by Socket.⁹ Specifically, this carrier requires Socket “to provide certification that the physical termination point for the ported numbers will not be moving outside the rate center. This must be confirmed in the remarks of orders where Socket is requesting to port numbers before we can process the order.” If Socket does not follow this unilaterally imposed requirement, the carrier will reject Socket’s LSR as invalid. The carrier imposes this requirement even on port requests where Socket has ordered loop facilities from the incumbent to the same customer premise where incumbent served the customer. This certification requirement, like any requirement designed to determine whether a NNSP will, in the sole judgment of the ONSP, comply with the law, is flatly illegal.

No service provider has the right to determine, in its sole judgment, whether another service provider is in compliance with the law before deciding whether to accept or reject a port request from that service provider. To the extent the ONSP believes the NNSP is violating the law, the ONSP should file a complaint with the Commission, without holding the number hostage. Socket respectfully urges the Commission to reaffirm that no ONSP has the right to base decisions whether to accept or reject port requests based upon its view of the legality of the intended service or service configuration of the NNSP. This principle is fundamental to competition and competitive neutrality, and thus the Commission should reaffirm that such “self-help” actions by ONSPs are impermissible under all circumstances.

⁹ This “geographic certification requirement” is not set forth in the Interconnection Agreement between the entities and is not otherwise agreed upon.

II. CONCLUSION

For the reasons set forth above, Socket respectfully urges the Commission to adopt the clarifications proposed in these comments.

Respectfully submitted,

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